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February 15, 2007

**VIA ECF**

Magistrate Judge William D. Wall  
100 Federal Plaza  
Central Islip, NY 11722-9014

Re: Betty Dorce Exume, et al. v. Greyhound Lines, Inc.  
Our File No.: 818.34464  
Civ 06 6540

Dear Judge Wall:

This office has recently been substituted as counsel for the defendant Greyhound Lines, Inc. in the above matter. I am writing in connection with the initial conference which is scheduled for February 20, 2007. I would like to bring to the Court's attention several issues which may have an impact on the discovery schedule in this case.

Briefly, this case arises out of an August 28, 2006 bus accident which occurred in upstate New York when a Greyhound bus, traveling to Montréal, Canada, went off the road. To date, in addition to this action, four actions have been commenced in the Southern District of New York: Anderson v. Greyhound and Laidlaw, 06 Civ. 13371 (Jones, J.), Breton v. Greyhound, 06 Civ. 07110 (Leisure, J.) (3 plaintiffs), Sanitago v. Greyhound, 06 Civ. 07108 (Leisure, J.) (4 plaintiffs) and Wang v. Greyhound, (Leisure, J.). There is also an action pending in Texas State Court, Bedard, et al v. Greyhound, 06-09626, 116<sup>th</sup> Judicial District Court of Dallas County (17 plaintiffs). Presently, there are 30 plaintiffs who have commenced an action arising out of the bus accident. There were more than 40 passengers on the bus. It is anticipated that there may be additional actions commenced.

All the above actions are in their "infancy". Within the next few days a motion will be served in the Texas action seeking to dismiss it on forum non-conveniens grounds, pursuant to Texas Civil Practice & Remedies Code, Section 71.051 (b). The basis of the motion is that none of the plaintiffs in the Texas action reside in Texas. Texas' forum non-conveniens statute specifically provides for a motion to dismiss where none of the plaintiffs is a Texas resident. In the Texas action, one plaintiff resides in France, two plaintiffs reside in New York and the remainder of the plaintiffs reside in Canada. It is anticipated that the motion to dismiss will be granted and presumably the action will be re-commenced in New York State. Counsel defending Greyhound in Texas has advised me that resolution of the motion to dismiss could take at least 4 – 6 weeks.

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The above actions will have to be consolidated. At the very least Greyhound will be requesting joint discovery in connection with all of the actions so as to avoid the possibility of the same Greyhound witnesses being produced multiple times in the various actions.

Another "issue" is the possible impleader of the manufacturer of the tires on the Greyhound bus at the time of the accident, Goodyear Tire and Rubber Company, and/or the manufacturer of the bus, Motor Coach Industries of Winnipeg. Since the August 28, 2006 accident is still under investigation by the National Transportation and Safety Board, Greyhound has not yet definitively decided whether or not third-party actions will be commenced.

It is respectfully submitted that given the numerous plaintiffs, possible impleaders and the multiple actions it would be difficult to set a definitive discovery schedule (especially Greyhound's deposition[s]) in this case at this point, and to complete discovery within the 6 - 9 month time frame set forth in the Court's January 10, 2007 Initial Conference Order.

It is my intention to address the above issues at the upcoming conference.

Additionally, it is my understanding that the plaintiffs' counsel in this action will be requesting an adjournment of the February 20, 2007 conference to March 27, 2007. Greyhound has no objection and would consent, subject to the Court's approval.

Finally, I would like to advise the Court that Greyhound is serving its Rule 26 Initial Disclosure in this action today, via overnight mail, upon the plaintiffs' counsel.

The Court's attention to the above is appreciated.

Very truly yours,



Kevin B. Pollak

KBP/cr

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